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In Propria Persona

**UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R. G. HILL, et al,

Plaintiffs

vs.

**THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW, et al.,**

Defendants.

CIVIL ACTION NO. 2:23-cv-01298-CV-BFM

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor

Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

**PLAINTIFF'S NOTICE OF JUDICIAL
INACTION AND REQUEST FOR
IMMEDIATE RULING ON DOCKETS 163
AND 164 (PROPOSED AMENDED THIRD
AMENDED COMPLAINT)**

NO ORAL ARGUMENT REQUESTED

**PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM

TABLE OF CONTENTS

I.	JUDICIAL ACKNOWLEDGMENT OF RULE 8 COMPLIANCE	6
II.	CLARIFICATORY AMENDMENTS RESPONSIVE TO JUDICIAL AND DEFENDANTS' CONCERNS	6
III.	FUTILITY ARGUMENTS BY DEFENDANTS FAIL UNDER RULE 15 STANDARDS	6
A.	ABSENCE OF PREJUDICE TO DEFENDANTS.....	7
B.	PROMOTING JUDICIAL ECONOMY AND PROCEDURAL FAIRNESS	7
C.	LIBERAL STANDARD UNDER RULE 15 FAVORS AMENDMENT	8
D.	DUE PROCESS & INSTITUTIONAL PREFERENCE	8
E.	PUBLIC INTEREST IMPLICATIONS	9
IV.	GOOD CAUSE, PROCEDURAL IRREGULARITY AND PREJUDICE FROM JUDICIAL INACTION WARRANTS IMMEDIATE RULING	9
V.	ELEVENTH AMENDMENT CONSIDERATIONS AND OUTSTANDING FACTUAL DETERMINATIONS	10
VI.	RELIEF REQUESTED	10
	STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1	11
	PLAINTIFF'S PROOF OF SERVICE	12

Cases

<i>Ex parte Young</i>	3
<i>Mathews v. Eldridge</i> , 424 U.S. 319, 335 (1976).....	4, 7
<i>Texas Dep't of Housing v. Inclusive Communities Project</i> , 576 U.S. 519 (2015).....	4, 7
<i>Verizon Md. v. Pub. Serv. Comm'n</i> , 535 U.S. 635, 645 (2002)	3

Rules

FRCP Rule 15	7
Rule 1 of the Federal Rules of Civil Procedure	3

PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)

CASE 2:23-CV-01298-JLS-BFM

NOTICE OF JUDICIAL INACTION REGARDING DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT Plaintiff Todd R.G. Hill respectfully alerts this Court to the ongoing judicial inaction concerning Plaintiff's Proposed Amended Third Amended Complaint (PATAC or PAC), filed on September 6, 2024 (Dockets 163, 164). Seven months have passed without formal judicial review or determination.

Under Rule 1 of the Federal Rules of Civil Procedure, the Court is obligated to ensure the "just, speedy, and inexpensive determination of every action and proceeding." Continued judicial inaction—particularly the Court's prolonged silence regarding critical filings such as Docket 164 and Dockets 197 and 199—not only undermines these foundational principles but also inadvertently rewards procedural manipulation by Defendants. Such delay directly frustrates judicial economy, increases litigation costs, and compromises Plaintiff's fundamental right to timely and fair adjudication.

Plaintiff's critical procedural filings—specifically the requests for amendment in Docket 163 and Docket 164, as well as judicial notice in Docket 197, filed February 2025, and Docket 199, filed shortly thereafter—remain unaddressed despite extensive passage of time and multiple notices to the Court. As of today, no judicial action or clarification has occurred, creating substantial procedural prejudice against Plaintiff. This continued delay has enabled Defendants to exploit procedural

PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)

CASE 2:23-CV-01298-JLS-BFM

1 ambiguity, evade meaningful discovery, and prolong resolution. Consequently, the absence of timely
2 rulings on Dockets 197 and 199 materially impairs Plaintiff's ability to present an effective case,
3
4 undermining the integrity of the proceedings and substantially increasing Plaintiff's costs and
5 burdens.

6
7 Defendants have filed oppositions related to Dockets 163 and 164 that, notably, fail to
8 demonstrate prejudice, undue delay, or futility—crucial elements under FRCP 15 and related caselaw
9 for denial of leave to amend. Consequently, Plaintiff respectfully requests immediate judicial action
10 to prevent ongoing prejudice, promote judicial efficiency, and ensure procedural fairness. As Plaintiff
11 has previously noticed the Court, Dockets 197 and 199 were unopposed.

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13
14 This notice highlights the importance of timely adjudication given the complexity, length, and
15 gravity of procedural issues and constitutional claims involved. Plaintiff has previously asserted that
16 Defendants have misapplied Eleventh Amendment principles because their arguments facially
17 conflate discretionary administrative actions with judicial immunity. For instance, in *Verizon Md. v.*
18 *Pub. Serv. Comm'n*, 535 U.S. 635, 645 (2002), the Supreme Court expressly rejected sovereign
19 immunity for regulatory bodies failing to comply with federal law. The extant allegations that State
20 Bar's continuous failure to enforce accreditation standards constitute an ongoing violation, precisely
21 the kind of prospective relief permitted under *Ex parte Young*.

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25 Allowing procedural evasion to dictate judicial outcomes sets a dangerous precedent wherein
26 institutional affiliation—rather than legal merit—dictates case outcomes. *Mathews v. Eldridge*, 424

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28 **PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM

1 U.S. 319, 335 (1976) emphasizes that ‘due process requires an opportunity to present every available
2 defense.’ The Defendant’s strategy seeks to deprive Plaintiff of this fundamental right.
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4 This case is not solely about Plaintiff—it concerns the integrity of the legal profession and the
5 protection of prospective law students. Courts have a vested interest in ensuring regulatory agencies
6 fulfill their statutory obligations. See *Texas Dep’t of Housing v. Inclusive Communities Project*, 576
7 U.S. 519 (2015) (recognizing disparate impact in regulatory enforcement failures). The Defendant’s
8 alleged refusal to comply with or enforce accreditation standards has systemic consequences that
9 extend beyond this litigation.
10
11

12 Furthermore, Docket 213 explicitly recognizes that Plaintiff’s operative Third Amended
13 Complain (TAC) substantially complies with Rule 8. The PAC further improves upon this recognized
14 clarity and conciseness., Defendant’s arguments and continued reliance on Rule 8 procedural
15 objections is directly undermined by the Court’s recognition of the clear progress made and
16 compliance with the Rule 8 requirements. The PAC maintains or further enhances this recognized
17 compliance through added clarifications, structured presentation, and targeted allegations responding
18 to judicial and defendant feedback.
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**PLAINTIFF’S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM

BASIS FOR JUDICIAL INTERVENTION & PROCEDURAL RELIEF

I. JUDICIAL ACKNOWLEDGMENT OF RULE 8 COMPLIANCE

The Magistrate Judge's Interim Report (Docket 213) expressly recognizes that Plaintiff's operative Third Amended Complaint ("TAC") substantially complies with Rule 8, affirming that Plaintiff has made significant improvements in clarity and structure. Given this explicit acknowledgment, further judicial delay in addressing Plaintiff's clarifying PAC is unjustified and prejudicial.

II. CLARIFICATORY AMENDMENTS RESPONSIVE TO JUDICIAL AND DEFENDANTS' CONCERNS

The PAC directly addresses previous judicial comments and defendants' stated objections. Specifically, the PAC clearly articulates discriminatory intent, precisely delineates RICO elements, and explicitly defines state-law claims. Each amendment responds precisely to concerns raised by the Magistrate Judge and defendants, enhancing overall pleading clarity and satisfying the Court's previous directives.

III. FUTILITY ARGUMENTS BY DEFENDANTS FAIL UNDER RULE 15 STANDARDS

Defendants have argued futility without demonstrating undue prejudice or specific, insurmountable deficiencies. Plaintiff's PAC directly addresses and remedies purported pleading defects, overcoming futility claims and strengthening the legal basis for all allegations. This aligns

PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)

CASE 2:23-CV-01298-JLS-BFM

1 squarely with Rule 15's liberal amendment standards favoring resolution on merits rather than
2 procedural technicalities.
3

4 **A. ABSENCE OF PREJUDICE TO DEFENDANTS**

5 Defendants have not shown, and cannot show, undue prejudice from allowing the PAC.
6
7 Discovery remains at an early stage, no dispositive merits-based rulings have occurred, and
8 amendment at this juncture would facilitate efficient case management rather than hinder it. FRCP
9 Rule 15 jurisprudence clearly establishes that complexity or case length alone does not constitute
10 prejudice sufficient to deny leave to amend. Rule 15 jurisprudence clearly establishes that complexity
11 or case length alone does not constitute prejudice sufficient to deny leave to amend. See *Eminence*
12 *Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003) ("Absent prejudice, or a strong
13 showing of any of the remaining factors, there exists a presumption under Rule 15(a) in favor of
14 granting leave to amend.").
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18 **B. PROMOTING JUDICIAL ECONOMY AND PROCEDURAL FAIRNESS**

19
20 Granting the PAC now enhances judicial efficiency by clearly defining factual and legal
21 parameters moving forward, facilitating streamlined discovery and case progression. This directly
22 supports the Court's own interest in effectively managing this complex litigation.
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**PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM

1 **C. LIBERAL STANDARD UNDER RULE 15 FAVORS AMENDMENT**

2 Under FRCP 15(a)(2), courts should "freely give leave when justice so requires." Plaintiff's PAC
3
4 meets every consideration articulated in *Foman v. Davis* (371 U.S. 178, 182 (1962)), namely lack of
5 undue delay, absence of bad faith, no undue prejudice, and no futility. Plaintiff's PAC directly
6 addresses and remedies purported pleading defects, overcoming futility claims and strengthening the
7 legal basis for all allegations.
8

9 Amendment here clearly aligns with judicial interests in adjudicating claims on their merits rather
10 than procedural technicalities.
11

12 **D. DUE PROCESS & INSTITUTIONAL PREFERENCE**

13 The procedural due process principles set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976),
14 require an opportunity to fully present available defenses and arguments. Defendants' ongoing
15 procedural obstruction jeopardizes Plaintiff's due process rights and, by extension, public confidence
16 in judicial fairness. Allowing amendment upholds due process and aligns with institutional
17 preferences for resolving disputes on their substantive merits. (See *Mathews v. Eldridge*, 424 U.S.
18 319, 335 (1976) ('[D]ue process requires an opportunity to present every available defense.').)
19 319, 335 (1976) ('[D]ue process requires an opportunity to present every available defense.').)
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21 If this Court accepts Defendants' procedural gamesmanship—ignoring pending judicial notice
22 requests and refusing to enforce case management obligations—it risks affirming a system where
23 litigants are prejudiced by virtue of institutional affiliation, rather than legal merit. Such a precedent
24 cannot stand.
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 **PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
 DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM

1 Furthermore, Defendants’ chronic procedural non-compliance is not mere oversight—it is a
2 deliberate litigation strategy to obstruct Plaintiff’s access to a fair adjudication. See *Foman v. Davis*,
3 371 U.S. 178, 182 (1962) (‘[O]utright refusal to grant leave without any justifying reason... [is] an
4 abuse of discretion and inconsistent with the spirit of the federal rules.’).

5
6 Their pattern of obstruction should weigh against Defendants’ credibility before this Court.
7

8 **E. PUBLIC INTEREST IMPLICATIONS**

9 The State Bar’s alleged and ongoing failure to regulate unaccredited law schools has
10 consequences far beyond this litigation. Courts have a vested interest in ensuring that regulatory
11 agencies uphold their obligations. See *Texas Dep’t of Housing v. Inclusive Communities Project, Inc.*,
12 576 U.S. 519 (2015) (holding that regulatory enforcement failures disproportionately impact
13 underprivileged groups). This case is not merely about procedural compliance—it is about the
14 systemic accountability of a regulatory body and regulated entities entrusted with protecting the
15 public interest.
16
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18 The inadvertent failure or refusal to provide timely rulings acts to distort the relevant factual
19 record, leaving Plaintiff at a procedural disadvantage.
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21 **IV. GOOD CAUSE, PROCEDURAL IRREGULARITY AND PREJUDICE FROM** 22 **JUDICIAL INACTION WARRANT IMMEDIATE RULING**

23 Good cause exists where the requesting party identifies specific issue necessary to support a claim
24 and demonstrates its likely impact. Here, judicial delay since the PAC's filing nearly seven months
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PLAINTIFF’S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)

CASE 2:23-CV-01298-JLS-BFM

ago constitutes an independent procedural irregularity prejudicing Plaintiff's rights. Immediate Court action is warranted to rectify this prejudice, restore procedural clarity, and maintain fairness.

V. ELEVENTH AMENDMENT CONSIDERATIONS AND OUTSTANDING FACTUAL DETERMINATIONS

Defendants have cited Eleventh Amendment protections in opposing certain claims. However, significant unresolved factual determinations must be addressed before the Court can appropriately apply sovereign immunity. The Court's previous rulings inadequately engaged in rigorous factual analysis and proper constitutional scrutiny required for such immunity claims. Under *Ex parte Young*, 209 U.S. 123 (1908), prospective relief remains permissible against state officials acting beyond their lawful authority, as reiterated in *Verizon Md., Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 645 (2002). Plaintiff's PAC provides necessary detailed allegations and clarifications for rigorous evaluation of these constitutional questions and sovereign immunity defenses.

Granting leave to amend ensures the Court fully and properly evaluates immunity and scrutinizes Defendants' conduct under the appropriate constitutional and statutory standards.

VI. RELIEF REQUESTED

For the foregoing reasons, Plaintiff respectfully requests the Court immediately rule on Plaintiff's Proposed Amended Third Amended Complaint (Dockets 163 & 164), granting leave to amend as justice requires. This action will restore procedural fairness, clarify the claims, enhance judicial efficiency, and align fully with Rule 15's liberal standards favoring amendments.

**PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM

1 Dated: March 25, 2025

2 Respectfully submitted,

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8 Todd R. G. Hill
9 Plaintiff, Pro Se

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11 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

12 The undersigned party certifies that this brief contains 2,098 words, which complies with the 7,000-
13 word limit of L.R. 11-6.1.

14
15 Respectfully submitted,

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19 March 25, 2025

20 Todd R.G. Hill

21 Plaintiff, in Propria Persona
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28 **PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM

Plaintiff's Proof of Service

This section confirms that all necessary documents will be properly served pursuant to L.R. 5-3.2.1 Service. This document will be/has been electronically filed. The electronic filing of a document causes a "Notice of Electronic Filing" ("NEF") to be automatically generated by the CM/ECF System and sent by e-mail to: (1) all attorneys who have appeared in the case in this Court and (2) all pro se parties who have been granted leave to file documents electronically in the case pursuant to L.R. 5-4.1.1 or who have appeared in the case and are registered to receive service through the CM/ECF System pursuant to L.R. 5-3.2.2. Unless service is governed by Fed. R. Civ. P. 4 or L.R. 79-5.3, service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil Procedure, and the NEF itself will constitute proof of service for individuals so served.

Respectfully submitted,



March 25, 2025

Todd R.G. Hill

Plaintiff, in Propria Persona

**PLAINTIFF'S NOTICE OF JUDICIAL INACTION AND REQUEST FOR IMMEDIATE RULING ON
DOCKETS 163 AND 164 (PROPOSED AMENDED THIRD AMENDED COMPLAINT)**

CASE 2:23-CV-01298-JLS-BFM